

Date: April 9, 2020
To: Nursing Facility Providers
Subject: Information Letter No. 20-13
Preadmission Screening and Resident Review (PASRR)
Requirements Waived During COVID-19 Pandemic
(REVISED May 15, 2020)

The purpose of **this revision is to provide nursing facilities (NFs) with an update from CMS, dated May 1, 2020.**

On March 30, 2020, the Texas Health and Human Services Commission (HHSC) received approval from the U.S. Centers for Medicaid and Medicare Services (CMS) to waive or modify certain requirements of Medicaid programs as a result of the consequences of the COVID-19 pandemic.

The waiver, granted under the authority of Section 1135 of the Social Security Act, allows the state of Texas to suspend PASRR Level I (PL1) screening and resident review (PASRR Level II) assessments for 30 days

Additionally, the waiver allows all new admissions to a nursing facility (NF) to be treated like exempted hospital discharges. After 30 days, newly admitted people suspected of having a mental illness (MI), intellectual disability (ID) or developmental disability (DD) should receive a resident review as soon as resources become available.

In alignment with this waiver and to continue to allow completion of the Long-Term Care Medicaid Information (LTCMI) form on the Texas Medicaid and Healthcare Partnership (TMHP) Long-Term Care Online Portal (LTCOP) for use in medical necessity determinations the following guidance is being issued to NFs that admit a new resident beginning as of the date of this letter and lasting until HHSC issues further notice.

1135 Waiver Extended

Texas' 1135 waiver allowing the 30-day suspension of PASRR Evaluations (PE) is in effect **for the duration of the public health emergency**. In other words, every new admission to a NF must be submitted as an exempted hospital discharge (even

if they wouldn't normally meet the criteria) until HHSC informs providers the public health emergency is over.

A resident review is the PASRR evaluation and determination performed by local authorities after a person has been admitted to the facility and cannot be performed by NFs. NFs are expected to notify the local authorities of any residents with likely mental illness, intellectual disabilities, or developmental disabilities who are admitted to the NF by submitting the required PL1 screening form as an exempted hospital discharge admission into the Texas Medicaid and Healthcare Partnership (TMHP) Long-Term Care Online Portal (LTCOP) during the public health emergency. There is no federal time limit on when PE resident reviews must be completed. HHSC is keeping track of which residents will need a resident review and will notify the local authorities when to perform these.

PASRR Level 1 (PL1) Screenings

HHSC will continue to require that NFs request a completed PL1 form from the referring entity (RE) for all new admissions and submit the form information into the LTCOP.

In accordance with 40 Texas Administrative Code Chapter 19, Subchapter BB, §19.2704(b), the NF may provide assistance in completing the PL1 when the RE requests assistance in completing the PL1 and is a person seeking admission, a family member, legally authorized representative, other personal representative selected by the person or a representative from an emergency placement source and requests assistance in completing the PL1.

PL1 Submissions into the LTCOP

Regardless of the admission type, the NF will submit **positive PL1s** under the exempted hospital discharge (EHD) admission type into the LTCOP for persons admitted during the pandemic waiver period. The NF must retain the paper copy of the PL1 received from the RE in the resident's medical record.

PL1 for Preadmissions

When the person is being admitted to an NF from a RE location that would otherwise be required to follow the preadmission process (psychiatric hospital, group home, assisted living facility, etc.), the NF will request that the RE fax the positive PL1 directly to the NF for submission into the LTCOP as an EHD admission. Under normal circumstances, the positive preadmission PL1 would be faxed to the local authority for submission into the LTCOP and completion of a PE within seven calendar days.

Exempted Hospital Discharge Admissions

Submitting the positive PL1 under an EHD admission will delay the local authority from receiving an alert to complete the PE for 30 calendar days. HHSC will instruct local authorities to ignore the alert to complete the PE if the pandemic waiver period exceeds the 30-day time period for an EHD admission. This will allow the NF to continue submitting their quarterly LTCMIs for the duration of the pandemic waiver period.

Hospice Recipients

NFs should continue to follow the process outlined in [IL No. 19-03](#) that was issued February 8, 2019, for a person admitted to the NF who has elected hospice care. The exception to this process would be that the NF will submit the hospice provider's positive PL1 into the LTCOP as an EHD admission.

Changes of Ownership (CHOWs)

The existing process for an NF CHOW will continue. After the facility obtains its new provider/contract number, new PL1s completed by the NF (as the RE) must be submitted on the LTCOP. All PL1s that resulted in a positive PE previously must be submitted as positive PL1s under the EHD admission during the pandemic waiver period.

Resident Reviews

HHSC will be monitoring the submission of positive PL1s as EHD admissions during this time. After HHSC receives notice that the pandemic waiver period is officially over, it will notify NFs and local authorities of the date on which NF admissions will return to regular PASRR admissions (expedited and preadmissions).

Please be aware that after HHSC gives notice to the local authorities, they will begin addressing the backlog of PEs that were held during this pandemic waiver period. This includes completing any resident reviews for which the local authorities received an alert from the NF because a resident with an existing negative PE in the LTCOP is suspected of having MI, ID or DD.

Questions regarding the content of this letter can be submitted to:

pasrr.support@hhsc.state.tx.us

Please do not include resident-specific information in your email. Instead, use the document locator number for a form associated with the person in the LTCOP.

Sincerely,

[signature on file]

Haley Turner
Associate Commissioner of HHSC Intellectual
and Developmental Disability Services